

ASSEMBLY BILL

No. 1430

**Introduced by Committee on Agriculture (Eggman (Chair), Olsen
(Vice Chair), Dahle, Pan, Quirk, and Yamada)**

August 29, 2013

An act to amend Sections 27510 and 27519 of the Food and Agricultural Code, and to add Article 8.5 (commencing with Section 110963) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to eggs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1430, as introduced, Committee on Agriculture. Pasteurized in-shell eggs.

Existing law requires egg handlers to register with the Secretary of Food and Agriculture, and generally sets forth standards for shell eggs. Existing law imposes specified requirements relating to packing and labeling shell eggs, and makes a violation of those provisions a crime. Existing law, the Sherman Food, Drug, and Cosmetic Law, requires the State Department of Health Services to regulate manufacturing, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. A violation of the law is a misdemeanor.

This bill would exclude pasteurized in-shell eggs from the provisions that are generally applicable to shell eggs, and would impose labeling requirements on egg handlers of pasteurized in-shell eggs, as defined, under the Sherman Food, Drug, and Cosmetic Law, as provided. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 27510 of the Food and Agricultural Code is amended to read:

27510. "Egg handler" means a person engaged in the business of producing, candling, grading, packing, or otherwise preparing shell eggs *or pasteurized in-shell eggs* for market or who engages in the operation of selling or marketing eggs that he or she has produced, purchased, or acquired from a producer, or which he or she is marketing on behalf of a producer, whether as owner, agent, employee, or otherwise. This section shall not apply to any purchaser who is a retailer and who does not handle eggs in any other capacity, except as a retailer.

SEC. 2. Section 27519 of the Food and Agricultural Code is amended to read:

27519. "Shell eggs" means *any in-shell eggs other than pasteurized in-shell eggs, as defined in Section 110964 of the Health and Safety Code.*

SEC. 3. Article 8.5 (commencing with Section 110963) is added to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, to read:

Article 8.5. Pasteurized In-Shell Eggs

110963. (a) It is unlawful for an egg handler, as defined in Section 27510 of the Food and Agricultural Code, of pasteurized in-shell eggs to sell, offer for sale, or expose for sale pasteurized in-shell eggs that are packed for human consumption unless both of the following conditions are met:

(1) The consumer container is conspicuously labeled "keep refrigerated" or with words of similar meaning. Consumer container labeling that complies with the safe handling instructions

1 required by Section 101.17 of Title 21 of the Code of Federal
2 Regulations shall be deemed to comply with this paragraph.

3 (2) A conspicuous sign is posted at the point of sale for
4 pasteurized in-shell eggs on bulk display advising consumers that
5 the pasteurized in-shell eggs are to be refrigerated as soon as
6 practical after purchase.

7 (b) Except as provided in subdivision (c), it is unlawful for an
8 egg handler to sell, offer for sale, or expose for sale pasteurized
9 in-shell eggs that are packed for human consumption unless each
10 container intended for sale to the ultimate consumer is labeled on
11 one outside top, side, or end with all of the following:

12 (1) The words “sell by” immediately followed by the month
13 and day in bold type. Common abbreviations for months may be
14 used.

15 (A) The sell-by date shall not exceed 75 days from the date on
16 which the pasteurized in-shell eggs were pasteurized, excluding
17 the date of pasteurization. Processors of in-shell eggs that subject
18 the eggs to the pasteurization process shall establish a sell-by date
19 by completion of an appropriate shelf stability study that includes
20 public health and safety criteria. The processor shall retain the
21 study on file at the processing plant and make it available to the
22 department upon request.

23 (B) If the pasteurized in-shell eggs are repacked, the original
24 sell-by date shall apply.

25 (2) A Julian pack date. As used in this paragraph, the Julian
26 pack date is the consecutive day of the year on which the
27 pasteurized in-shell eggs were pasteurized.

28 (3) The identification number of the plant of origin.

29 (4) A conspicuous identification of the eggs as “pasteurized.”

30 (5) All state and federal labeling requirements.

31 (c) This section does not apply to pasteurized in-shell eggs that
32 are packaged for export.

33 (d) Paragraph (1) of subdivision (b) does not apply to pasteurized
34 in-shell eggs that are packaged for interstate commerce or
35 pasteurized in-shell eggs that are packaged for military sales if
36 exported to a state or federal agency that requires a different format
37 for the sell-by or best-if-used-by date on pasteurized eggs, and
38 the processor is utilizing that format.

1 (e) All pasteurized in-shell eggs returned from grocery stores,
2 store warehouses, and institutions shall not be reprocessed for any
3 retail in-shell egg sales.

4 (f) (1) The department, in consultation with the Shell Egg
5 Advisory Committee, established pursuant Section 27571 of the
6 Food and Agricultural Code, shall establish a plant identification
7 numbering system and assign identification numbers to all
8 pasteurized in-shell egg handling facilities.

9 (2) For purposes of complying with paragraph (3) of subdivision
10 (b), a pasteurized in-shell egg handling facility that is inspected
11 by the United States Department of Agriculture or the federal Food
12 and Drug Administration, and to which a federal plant identification
13 number has been assigned, may use the federal identification
14 number, the identification number assigned by the department, or
15 both.

16 110964. "Pasteurized in-shell eggs" means shell eggs that have
17 been pasteurized by any method approved by the federal Food and
18 Drug Administration or the department.

19 SEC. 4. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.